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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,733	12/30/2005	Marc-Edouard Irigoyen	2937-131	7737
6449 7590 08/10/2007 ROTHWELL, FIGG, ERNST & MANBECK, P.C. 1425 K STREET, N.W. SUITE 800 WASHINGTON, DC 20005				
			EXAMINER WENDELL, MARK R	
			ART UNIT 3609	PAPER NUMBER
			NOTIFICATION DATE 08/10/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

Office Action Summary	Application No.	Applicant(s)	
	10/562,733	IRIGOYEN, MARC-EDOUARD	
	Examiner	Art Unit	
	Mark R. Wendell	3609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/5/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 11-12, 14-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Pierre (FR 2262167). Regarding claims 11 and 17, Pierre illustrates in Figure 7 a beam attachment system comprising:

- Two edge posts (2, 2a);
- A beam (5);
- At least one beam tie (8);
- The posts (2, 2a) being stressed by the beam (5) pushing them apart and stressed by the beam tie (8) pulling them together.
- A beam tie (8) having a slidable portion (9) connected relative to the beam (5) according to a finite sliding portion (9). The examiner notes that

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neither the slidable portion nor beam ties extend indefinitely, thus rendering them finite sliding portions.

Regarding claim 12, Pierre illustrates in Figure 7 sleeves (9) mounted on the beam tie (8) delimiting the finite sliding portion. The examiner notes that delimiting is taken to mean demarcate or draw the boundaries of something. The sleeves (9) of Pierre delimit the sliding portion.

Regarding claim 14, Pierre illustrates in Figure 7 the beam (5) being supported by the beam tie (8).

Regarding claim 15, Pierre illustrates in Figure 7 the beam (5) comprising several longitudinal segments.

Regarding claim 16, Pierre illustrates in Figure 3 each post (2, 2a) connected to a beam (5) by means of a connecting rod (10), which is articulated on the post (2, 2a) and the beam (5).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pierre (FR 2262167) in view of Gatzka et al. (US 4890429). It is described above what is disclosed by Pierre, however Pierre does not teach the beam comprising at least two lateral parts between which a beam tie passage is formed. Gatzka illustrates in Figure 7 a beam (18) comprising at least two lateral parts (80) between which a beam tie (46) passage is formed. It would have been obvious to one having ordinary skill in the art at the time of invention to modify the beam attachment system of Pierre with the beam tie passage of Gatzka in order to allow the beam tie to pass through and provide added support to the upper portion of the structure.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pierre (FR 2262167). It is described above what is disclosed by Pierre. Pierre discloses on Page 1, lines 24-30 a beam comprising a steel section, but does not teach the welded limitation. It is notoriously well known in the art of building construction to weld steel structures together and it would have been obvious to one of ordinary skill in the art at

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the time of invention to use a welding method for a strong attachment means between steel structural members.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Frieder et al. (US 2693195) and Zambelli et al. (US 6647678) teach shelters with beams, posts, and beam ties. Peter (US 4223495) teaches a prestressed steel support structure. Irigoyen (US 4876836) teaches a support and attachment system for long-span beams.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Wendell whose telephone number is (571) 270-3245. The examiner can normally be reached on Mon-Fri, 7:30AM-5PM, Alt. Fri off, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on (571) 272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Victor Batson
Supervisory Patent Examiner
Art Unit 3609

MRW
July 25, 2007